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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/647,297

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Hyun Huh

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EXAMINER

VO, HAI

ART UNIT

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1794

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/647,297	<b>Applicant(s)</b> HUH ET AL.	
	<b>Examiner</b> Hai Vo	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/08/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

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1. The art rejections over Molnar in view of James have been withdrawn in view of the present amendment. Molnar discloses a polishing pad that requires a water soluble finishing aid which is not a required component of the claimed invention. However, upon further consideration, new grounds of rejections are made in view of newly discovered references to Kono et al (US 6,943,138) and Hirayama (US 6,383,564).
2. Rejection of claim 5 under the 112, second paragraph has been overcome in view of the amendment filed on 03/28/2008.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Nesting the open language “comprises” inside of the close language “consisting of” renders the claims indefinite.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 5, 7, 9-12, 14 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 01/97669.

Kono et al (US 6,943,138) will be relied on as an equivalent form of WO 01/97669 for convenience. Kono discloses a oil clearing sheet comprising two porous stretched films wherein one stretched film consists of a hydrophilic polymeric matrix and mineral oil embedded in the polymeric matrix (example 14, column 4, line 66 to column 5, lines 1-2). The hydrophilic polymeric matrix comprises polyethylene and a liquid absorbing substance such as polyoxyethylene alkyl ether (column 7, lines 50-65). The mineral oil is present in the polymeric matrix in an amount within the claimed range (composition of Melt mixture A of example 1). Stretching the film forms micropores around the mineral oil (column 4, lines 38-40). This at least indicates that the micropores are dispersed throughout the polymer matrix (column 4, lines 65-67, column 5, lines 1-2, example 1, column 4, lines 45-55). The pores have an average pore size ranging from 0.3 to 5 microns (column 6, lines 9-11). The porous film is transparent or semitransparent (column 6, lines 10-15). The embedded mineral oil would be inherently exposed at the surface of the oil clearing sheet during cleaning the user's face. Accordingly, Kono anticipates or strongly suggests the claimed subject material.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/97669 as applied to claim 1 above, and further in view of Kellett (US 4,806,572).

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Kono does not teach an oil cleaning sheet comprising a polyethylene glycol having an average molecular weight of 200 to 10,000. Kellett, however, teaches a makeup remover pad comprising a surfactant that includes a polyethylene glycol having an average molecular weight of 1500-3500 (column 5, lines 35-40). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the polyethylene glycol having an average molecular weight in the range as taught by Kellett motivated by the desire to enhance the cleaning power of the oil clearing sheet.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/97669 as applied to claim 1 above, and further in view of Allec et al (US 5,660,839). Kono does not teach an oil cleaning sheet comprising hollow microspheres. Allec, however, teaches a makeup remover composition comprising hollow microspheres (column 2, lines 55-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add hollow microspheres into the oil clearing sheet motivated by the desire to impart softness and greater ease of spreading.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/97669 as applied to claim 1 above, and further in view of Shannon et al (US 2004/0118532). Kono does not teach an oil cleaning sheet comprising a flow channel on the surface. Shannon, however, teaches a facial tissue comprising a plurality of flow channels as shown in figure 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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form a flow channel on the surface of the oil clearing sheet motivated by the desire to allow liquids to be easily absorbed into the sheet.

11. Claims 1, 3-5, 7, 9-12, 14 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hirayama (US 6,383,564). Hirayama discloses a composite material comprising a substrate and a porous covering layer formed on the substrate (figure 1). The porous covering layer consists of a hydrophilic polymeric matrix and mineral oil embedded in the polymeric matrix (claim 1, column 4, lines 15-23). The mineral oil is present in the polymeric matrix in an amount of 1 to 30% by weight (column 3, lines 60-65). The mineral oil gives the pores having an average size of 3 microns or less (column 4, lines 40-45). The hydrophilic polymeric matrix includes polyethylene glycol (column 2, lines 47-50). It appears that the porous covering layer is made of the same materials as the polishing layer of the claimed invention; therefore, it is the examiner's position that the same mechanisms will be expected as the covering layer is abraded, i.e., the embedded mineral oil exposed at the surface of the covering layer. The same token is applied to the semi-transparency of the covering layer as like material has like property. The porous layer is applied to a camera lens, which is a transparent (column 7, lines 10-15). Accordingly, Hirayama anticipates or strongly suggests the claimed subject material.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama (US 6,383,564) as applied to claim 1 above, and further in view of Bernheim et al (US 2004/0137155). Hirayama does not specifically disclose an average molecular

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weight of the polyethylene glycol. Bernheim, however, teaches a fog resistant coating comprising a polyurethane composition comprising an isocyanate prepolymer and polyethylene glycol having an average molecular weight of 3000 (paragraph 112). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the polyethylene glycol having an average molecular weight in the range disclosed by Bernheim because such is an intended use of the material and Bernheim provides necessary details to practice the invention of Hirayama.

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on Monday through Thursday, from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hai Vo/

Primary Examiner, Art Unit 1794